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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD FITZPATRICK,

Defendant.

No. CR 04-0316 SI

NOTICE OF DISMISSAL

(San Francisco Venue)

With leave of the Court, and pursuant to Federal Rule of Criminal Procedure 48(a), the United States Attorney for the Northern District of California dismisses the above indictment without prejudice and moves that the Court quash the arrest warrant issued in connection with the indictment in this case.

DATED: 5-6-08

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

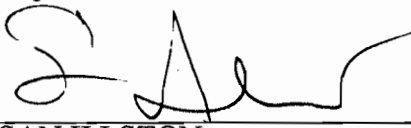
BRIAN J. STRETCH
Chief, Criminal Division

NOTICE OF DISMISSAL (CR 04-0316-SI)

1 Leave is granted to the government to dismiss the indictment. It is further ordered that the
2 arrest warrant issued in connection with the indictment is quashed.

3
4 Date:

5/7/08


SUSAN ILLSTON
United States District Judge